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IN THE
Supreme Court of the United States

OCTOBER TERM, A. D. 1944.

No. 934

WILLIAM A. DOSS,

Petitioner,

vs.

E. E. LINDSLEY, SHERIFF, PIATT COUNTY, ILLINOIS,

Respondent.

MOTION TO CONSOLIDATE OR CONSIDER TOGETHER PETITIONS FOR CERTIORARI IN DOCKET NO. 934 OF THE SUPREME COURT OF THE UNITED STATES; CASE NO. 8627, UNITED STATES CIRCUIT COURT OF APPEALS, SEVENTH CIRCUIT; AND PETITION FOR CERTIORARI TO THE SUPREME COURT OF ILLINOIS IN ITS CASE NO. 28507, AN ORIGINAL HABEAS CORPUS PROCEEDING.

WILLIAM A. DOSS,

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Attorney for Petitioner.



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Now comes the petitioner in the above entitled matter, Docket No. 934 in this Court, and moves that consideration of the Petition for Certiorari in Docket No. 934 be deferred by this Court until this Petitioner files his Petition for Certiorari, which he is now preparing, in the case of United States of America *ex rel.* William A. Doss, Petitioner-Appellant *vs.* E. E. Lindsley, Sheriff of Piatt County, Illinois, Respondent-Appellee, which case is dock-

eted in said Circuit Court of the Seventh Circuit under No. 8627, and in which case the said Circuit Court of Appeals affirmed the District Court and on the fourteenth day of March, 1945, denied the undersigned Petitioner's Petition for Rehearing, and also that the Petition of this Petitioner in an original *habeas corpus* proceeding in the Supreme Court of Illinois, for a writ of certiorari directed to the Supreme Court of Illinois in said case, being No. 28507, be considered by this Court at the same time and that all three matters be thus consolidated.

Respectfully submitted,

WILLIAM A. DOSS,
Petitioner, Pro Se.

RICHARD E. WESTBROOKS,
3000 South State Street,
Chicago, Illinois,
Attorney for Petitioner.

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MEMORANDUM IN SUPPORT OF MOTION.

1. *Docket No. 934 in the Supreme Court of the United States.* The case now before this Court on Petition for Certiorari, No. 934, originated in Piatt County, Illinois, in the form of a judgment of the Circuit Court of that County, holding the petitioner, William A. Doss, guilty of indirect contempt in this, that it was alleged that he had communicated with members of a grand jury while in session in such a manner and from such motives as to constitute contempt of court. He appealed to the Supreme Court of Illinois from the contempt order, which court affirmed the Circuit Court of Piatt County (*People v. Doss*, 382 Ill. 307), and later this Court denied a petition for a writ of certiorari (*Doss v. People*, 320 U. S. 762). He thereupon filed a petition for *habeas corpus* in the United States District Court. That petition was denied and denial affirmed by the United States Circuit Court of Appeals for the

Seventh Circuit, and a petition for rehearing thereon was also denied (Circuit Court of Appeals, Seventh Circuit, No. 8542). Thereupon petitioner filed his petition in this Court for a writ of certiorari, which proceeding is docketed as No. 934. Briefs in Reply to Brief of Opposition to the Petition in this Court are due and will be filed on or prior to March 23, 1945.

2. *Docket No. 8627, United States Circuit Court of Appeals, Seventh Circuit.* In this case the parties are the same as in No. 934 in this Court, except that petitioner is the relator in the former. The petitioner, publisher of a paper called the Liberty Press, had made certain statements and charges concerning and against the State's Attorney of Piatt County, Illinois and other members of the bar of that county. This petitioner was indicted by a grand jury for criminal libel under a State statute on the subject, which is printed in the Appendix to this Memorandum. While this grand jury was in session, it is charged that petitioner sent copies of the Liberty Press to grand jurors with the intent to influence their deliberations. It is on this alleged factual situation that the contempt conviction, involved in No. 934 in this Court, was based.

In the case of the *United States, ex rel. W. A. Doss v. Lindsley*, Circuit Court Docket No. 8627, *supra*, the conviction of petitioner was affirmed in *People v. Doss*, 318 Ill. App. 387, and that court was affirmed in same, 384 Ill. 400. Petition for certiorari was denied by this Court, 321 U. S. 789. Petitioner thereupon applied for a writ of habeas corpus, which application was denied, and the denial was affirmed by the United States Circuit Court of Appeals for the Seventh Circuit, and a petition for a rehearing denied by that Court on March 14, 1945. Petitioner is now preparing a petition for a writ of certiorari to this Court, directed to the United States Circuit Court

of Appeals, Seventh Circuit, in this case, namely, No. 8627 in said Circuit Court. He will prepare this petition and the record in the case as expeditiously as possible and within the time required by the Rules of this Court.

3. *Case No. 28507, Original Application for Habeas Corpus in the Supreme Court of Illinois.* After the district court refused to issue a writ of *habeas corpus* in the contempt case (No. 934 in this Court) on the ground, among others which were more or less intimated, that petitioner had not exhausted his remedies in *habeas corpus* in the State courts, this petitioner, in order to preserve his rights, should the ruling of the district court be sustained, filed a petition for *habeas corpus* in the Supreme Court of Illinois, with E. E. Lindsley, Sheriff of Piatt County, Illinois, as Respondent. This petition that Court denied on January 9, 1945, and, therefore, petitioner's petition for *certiorari* and the record must be filed in this Court not later than April 9, 1945. Petitioner has most of the record prepared and printed at this time and will have all necessary documents on file on or before April 9, 1945. The same questions, substantially, will be before the Court in this proceeding as in No. 934.

It seems clear that this Court will be able to pass upon the petitions for *certiorari* in all these cases more expeditiously if they are considered together. Essentially, all cases grow out of the same or related fact situations in such a way that they may share a common fate. If the contention of the petitioner that the criminal libel statute, as construed by the lower courts and as applied to the statements in the Liberty Press, infringes the right of free speech and a free press in violation of the First and Fourteenth Amendments to the United States Constitution, be eventually sustained, his contention that the contempt order against him is void on the same grounds, will also

probably be upheld. While superficially the three cases present some differences, they are so closely related and present so important and similar questions of law that in the interest of the fullest presentation and the most thorough understanding of the issues, the petitions for certiorari should be considered by this Court at the same time. Similarly, should a writ issue, the cases should undoubtedly be heard together on the merits.

Respectfully submitted,

WILLIAM A. DOSS,
Petitioner, Pro Se.

RICHARD E. WESTBROOKS,
3000 South State Street,
Chicago, Illinois,
Attorney for Petitioner.

